

FREEDOM COURT REPORTING

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 MARSHALL DIVISION

4 PATTY BEALL, MATTHEW
5 MAXWELL, TALINA MCELHANY AND
6 KELLY HAMPTON, individually
and on behalf of all other similarly situated;

Plaintiffs,

-vs-

2:08-cv-422 TJW

8 TYLER TECHNOLOGIES, INC. AND
9 EDP ENTERPRISES, INC.

Defendants.

DEPOSITION OF JILL MARIE BROWN

13 Taken by the Defendants on the 31st day of August, 2010, at
14 the offices of Bay Harbor Village Hotel, 4000 Main Street,
15 Petoskey, Michigan, at 10:03 a.m.

15 APPEARANCES:

16 For the Plaintiffs: MS. LAUREEN F. BAGLEY
Sloan, Bagley, Hatcher & Perry Law Firm
17 101 East Whaley Street
P.O. Drawer 2909
18 Longview, Texas 75606
(903) 757-7000

19
20 For the Defendants: MS. FARIN KHOSRAVI
Morgan, Lewis & Bockius, LLP
21 1717 Main Street
Suite 3200
22 Dallas, Texas 75201-7347
(214) 466-4000

23
24 REPORTED BY: Kristine K. Grigsby, RPR
Certified Shorthand Reporter, #4834
25 (231) 625-0095

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660

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1 Q. You never actually went into a Tyler Technologies office?

2 A. Once in a great while.

3 Q. Once in a great while would -- give me an estimate. Once a
4 month you went there?

5 A. Maybe twice a year.

6 Q. Which office would you go to?

7 A. Plano.

8 Q. Plano, Texas?

9 A. Yes.

10 Q. Was that known as The Software Group in Plano, Tex -- what
11 was that office -- I know it was a Tyler Technologies
12 office, but what was it previous to Tyler?

13 A. I don't know.

14 Q. Does the name "The Software Group" ring a bell to you?

15 A. Yes.

16 Q. What -- what is that to you? What does that mean to you?
17 Is that the name of the group?

18 A. The division in Tyler.

19 Q. And what was the software that you were working on while you
20 were an implementation specialist?

21 A. Odyssey.

22 Q. Odyssey was the name of the software?

23 A. Correct.

24 Q. Did you work on Odyssey the whole time?

25 A. Yes.

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1 Q. So since you worked out of your home, it wasn't like on a
2 daily basis you were going to an actual office at Tyler,
3 right?

4 MS. BAGLEY: Object to the form.

5 THE WITNESS: When I was home, no.

6 BY MS. KHOSRAVI:

7 Q. So I want to understand what -- give me a typical day of you
8 working from home. Not when you were traveling to a client
9 site. I want to understand while you were working from home
10 what duties were you performing, what functions you had. So
11 walk me through a typical day, when you wake up, brush your
12 teeth, get ready, eat your breakfast and then sit in front
13 of your computer. Walk me through that. What were your
14 duties when you were working from home?

15 MS. BAGLEY: Form.

16 BY MS. KHOSRAVI:

17 Q. You may answer the question.

18 A. Working on configuration for clients.

19 Q. Stop there and tell me what configuration means.

20 A. That means they have specific things they wanted entered
21 into the system and actually enter the codes into the system
22 for them.

23 Q. And when you say enter codes into the system, do you mean
24 you got data from that client and you had to enter those
25 data, meaning dates of birth, dates of hire, things of that

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1 sort, or that's not what you're talking about?

2 A. No.

3 Q. What sort of data or codes were you entering?

4 A. For instance, if they had a specific event that they wanted
5 to use, they would tell you what event and the code that
6 they wanted put in so that they could use that event.

7 Q. Let's back up. Let's back up and you tell me when you first
8 became employed by Tyler Technologies as an implementation
9 specialist. You said you started working with the Odyssey
10 software, right?

11 A. Yes.

12 Q. Now, tell me, what were you doing with the Odyssey software?
13 What was your position?

14 MS. BAGLEY: Object to the form.

15 THE WITNESS: Implementation?

16 BY MS. KHOSRAVI:

17 Q. Yeah. Tell me what that is. What -- what does that mean?
18 To me, implementation doesn't mean much. Tell me what you
19 were doing as an implementation specialist.

20 A. When I first started?

21 Q. Yes.

22 MS. BAGLEY: So we're not at the home office
23 anymore?

24 BY MS. KHOSRAVI:

25 Q. When you first started, you were at your home office?

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1 MS. BAGLEY: No, no, no. You were asking her
2 about what she did in her home office.

3 MS. KHOSRAVI: Yes.

4 MS. BAGLEY: Okay. So we're --

5 MS. KHOSRAVI: Yes.

6 MS. BAGLEY: The question has changed. It's
7 just --

8 BY MS. KHOSRAVI:

9 Q. Let me -- let me back up. My -- okay. When you first
10 became employed as an implementation specialist, you were --
11 you started working out of your home, right?

12 A. Yes.

13 Q. Okay. You were working -- you said you were doing
14 implementation work out of your home?

15 A. Yes.

16 Q. Okay. So tell me what implementation work was that you were
17 doing at your home.

18 A. I was participating in conference calls and Web-Exes,
19 shadowing another implementation person as he did Web-Exes
20 with a client.

21 Q. Okay. You were working with another implementation
22 specialist who was working with clients. Who were these
23 clients?

24 A. Detroit.

25 Q. The City of Detroit?

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1 A. Wayne County.

2 Q. I'm sorry. What in -- a company in Wayne County?

3 A. The courts.

4 Q. The court systems. Okay. So initially you were shadowing
5 another implementation specialist to get training as to what
6 you were going to have to do?

7 A. Yes.

8 Q. And what were you guys doing with this Odyssey software and
9 the court system?

10 A. He was just going through showing the client how the -- the
11 system functioned and showing them how to enter codes, what
12 the system did.

13 Q. And when you said Web-Exes, I take it you would be able to
14 view the training that this other implementation specialist
15 was providing by getting logged onto your computer and
16 conferencing in --

17 A. Yes.

18 Q. -- by video?

19 A. Yes.

20 Q. Other than getting trained by another implementation
21 specialist, were you doing anything else with respect to
22 your position as an implementation specialist in the very
23 beginning? Now, remember, we're starting from the very
24 beginning.

25 A. Yes.

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1 Q. So what -- I want you to walk me through that. So you're
2 sitting at home. You are getting trained by another
3 implementation specialist so you're able to participate and
4 see what he's doing by using the Web-Exes, right?

5 A. Yes.

6 Q. What else were you doing besides that?

7 A. Dur -- when we were on the conference calls, that was all I
8 was doing. Off the conference --

9 Q. Getting training?

10 A. -- calls -- yes.

11 Q. Okay.

12 A. Off conference calls, I would practice what I -- what he had
13 trained.

14 Q. And how long were those conference calls where you were
15 actually observing what the other implementation specialist
16 was doing?

17 A. They varied.

18 Q. From what to what?

19 A. Two to four hours at a time, and then we'd break for lunch
20 and then do another two to four hours in the afternoon.

21 Q. And that whole time you are getting trained, you're trying
22 to understand what it is that you're going to be doing once
23 you are at a client site, correct?

24 A. Yes.

25 Q. You said, now, when you guys got off the conference calls,

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1 A. It's about four and a half hours, five hours, depending on
2 traffic.

3 Q. Do you remember how often you were driving from your home
4 office to the client site in Detroit during that time?

5 A. I usually flew back and forth.

6 Q. When you were at the client site in Detroit during that time
7 period, was there another implementation specialist there
8 with you or you were on your own?

9 A. There was another implementation specialist there with them.

10 Q. So think and tell me if you remember, when was it that Tyler
11 started sending you to a client site by yourself without
12 another implementation specialist there? When did your
13 training end? February '07, you started working with the
14 company, so think from that date. How long were you getting
15 trained?

16 A. I don't remember.

17 Q. Were you still getting trained in February 2008?

18 A. I don't remember. I don't remember when the other
19 implementation person stopped -- stopped traveling.

20 Q. But there was a time at which point you were the only
21 implementation specialist at a client site, right?

22 A. Yes.

23 Q. You just don't remember when that was?

24 A. No.

25 Q. Do you remember -- I know you don't remember when that

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1 started. Do you remember how long it was that you were
2 going out to a client site by yourself without another
3 implementation specialist?

4 A. No.

5 (Brown Deposition Exhibit Number 3 was marked
6 for identification at 10:39 a.m.)

7 BY MS. KHOSRAVI:

8 Q. Okay. I'm going to hand you now what's been marked as
9 Exhibit Number 3. It's a job description for an
10 implementation specialist. Ms. Brown, take a look at that
11 and review that.

12 MS. BAGLEY: Take your time and read over this.

13 THE WITNESS: (Reviewing document.) Okay.

14 BY MS. KHOSRAVI:

15 Q. Does this job description accurately reflect the duties and
16 responsibilities that you have as an implementation
17 specialist?

18 A. Yes. For the most part.

19 Q. Okay. Now, since you said "for the most part," let's go
20 over this job description so I understand which one of these
21 responsibilities you did have and which one of them you did
22 not have.

23 In the first part under position objective, it
24 says, "The implementation specialist is responsible for
25 delivering on-site training and system setup and business

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1 use for courts and justice software application."

2 Did you provide on-site training for the City of
3 Detroit, was it you said, for courts and justice system?

4 A. Wayne County.

5 Q. Wayne County. Did you provide on-site training for them?

6 A. Yes.

7 Q. Okay. And you provided on-site training for what? For the
8 use of Odyssey?

9 A. Yes.

10 Q. Okay. And this job description says you were also --
11 implementation specialist was also responsible for
12 delivering system setup. Did you do that?

13 A. We performed code entry, if that's what that pertains to.

14 Q. Well, I was going to actually ask you what system setup
15 meant to you.

16 A. Entering codes that the client told us to -- that they
17 wanted. Yes.

18 Q. And this goes back to configuring the software in order to
19 perform the events that the client wanted?

20 A. Yes.

21 Q. So this goes back to the example you were giving me before?

22 A. Yes.

23 Q. Now, the next sentence says, "Implementation specialists
24 work with their colleagues and managers to design, implement
25 and proactively manage a superior software experience for

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1 our clients."

2 Did you work with your managers and your
3 colleagues to design the software Odyssey?

4 A. I don't know about necessarily design it, but configure it.

5 Q. You did configure -- again, configuration meaning you --

6 A. Setting it up for the client.

7 Q. For the client. So you didn't -- you were not actually
8 involved in designing the program other than configuring it?

9 A. Correct.

10 MS. BAGLEY: Object to the form.

11 BY MS. KHOSRAVI:

12 Q. So when you actually started working with a client, the
13 program -- the software was actually purchased by the
14 client?

15 A. Yes.

16 Q. And all you were -- what you were doing was configuring it
17 and setting it up so that the client could actually use it
18 for the purposes that they intended to?

19 A. Correct.

20 Q. Okay. Remember how we were talking about the time period
21 when you were getting trained by another implementation
22 specialist while you watched what they did --

23 A. Yes.

24 Q. -- from home? Now, think back to the first time that you
25 actually went back to a client site. Who told you that,

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1 A. It varies.

2 Q. Okay. Did you always go to the City of Detroit courts,
3 Wayne County, or, no, you had various clients?

4 A. I had various clients.

5 Q. Okay. So what sort of people would you meet? You said it
6 varies. So was it that sometimes you met IT people,
7 sometimes you didn't?

8 A. It depended on who the client had as their -- their project
9 people, who -- who they had working on the project.
10 Sometimes their IT department was in charge. Sometimes it
11 was the court people that were in charge.

12 Q. So depending on who was in charge, you met with whoever was
13 in charge?

14 A. Not necessarily. It was who they sent; you know, who they
15 had working on the project --

16 Q. Okay.

17 A. -- as -- for the configuration portion.

18 Q. Okay.

19 A. The majority of the time they would have, you know, someone
20 from the courts or something that would -- that would be
21 helping working on the business process.

22 Q. So once you met with whoever you were supposed to meet with,
23 what happened then? Did you guys go to a classroom-type
24 setting for you to train people, or, no, you went and sat
25 there in front of a computer and you configured their

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1 system?

2 A. Depended on what was scheduled for the day.

3 Q. So you've done both? You've done training and you've done
4 configuration at a client site?

5 A. Yes.

6 Q. What else? So far I only know of you going to a client site
7 to do configuration and you going a client site to do
8 training. Did you go to a client site to do anything else?

9 A. Under implementation?

10 Q. Right. As an implementation specialist. Right.

11 A. Those were my main -- oh. Go-Lives. To assist with
12 Go-Lives.

13 Q. And tell me what you mean by Go-Lives.

14 A. When they actually go from using their old system to the new
15 system and they do that switchover.

16 Q. You would be present at the client site?

17 A. That's correct.

18 Q. And what was your function there? Why were you there?

19 A. To help them if they ran into a problem. You know, if
20 they -- the users panicked and got stuck with something,
21 you're there to assure them and help them get through it.

22 Q. Now let's go back to the line of questioning when I was
23 trying to figure out whether or not you were ever at a
24 client site by yourself without a project assistant, and I
25 think initially you were saying no. Now, help -- and then

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1 you asked me whether I meant in the same city or in the same
2 office. Do you remember that?

3 A. Yes.

4 Q. So did I confuse you because the project manager was always
5 in Detroit? Is that what confused you?

6 A. Yes.

7 Q. I see. So when you were at the client site, there was
8 always a project manager at Tyler's office in Detroit?

9 A. The project manager was on the client site as well, but
10 sometimes the clients had three or four different buildings
11 so not necessarily all in the same four walls at the same
12 time.

13 Q. So if you were there doing the configuration, let's say,
14 what was the project -- if the project manager wasn't in
15 that same building with you, what was the project manager
16 doing there at a client site? Do you know why the project
17 manager would be there?

18 A. They -- I -- I'm assuming that they -- well, I shouldn't
19 assume. Excuse me. My understanding is that they meet with
20 the clients and take care of the administrative functions of
21 a project manager.

22 Q. While you were doing the configuration? While you were
23 there doing the configuration?

24 A. Yes.

25 MS. BAGLEY: Object to form.

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1 engaged in; what they were doing?

2 A. No. Not all of the time. Sometimes, I guess. I
3 don't . . .

4 Q. Sometimes you knew that because you guys were working
5 together on a project?

6 A. Sometimes. Sometimes just through conversation you find out
7 someone's working on something. But, I mean, not on a
8 regular basis. I . . .

9 Q. Go back to the job description I handed you, which was
10 Exhibit Number 3. Under principal duties, bullet point --
11 the third bullet point, "Create user documentation when
12 required," did you do that, that function?

13 A. Yes.

14 Q. And tell me what that means.

15 A. If the client wanted a simplified version of our manual, we
16 would -- we could just take screenshots off of our manual
17 and put it into something a little more simplified that
18 wasn't as lengthy, kind of a little cheat sheet for them.

19 Q. Now, go under the section where it says scope and impact.
20 The second sentence says -- it talks about implementation
21 specialists' job responsibilities. It says, "They do
22 everything from conversion, checkout, fit analysis." Do you
23 see that?

24 A. Yes.

25 Q. What is -- did you do that?

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1 A. I'm trying to remember as an implementation specialist --
2 yes, I did.

3 Q. Tell me what fit analysis is.

4 A. You basically sit there and listen to the project manager
5 talk with the client and the client's telling them what
6 their business process is, and you enter in a code to show
7 them and -- so that the project manager can show them if
8 that will work to meet their business process.

9 Q. So you're not actually creating that code or entering it,
10 you're sitting there observing the project manager do it?
11 I'm trying to understand --

12 A. No.

13 Q. Yeah.

14 A. The project manager is in charge and directs the process,
15 and the client is telling the project manager, "This is how
16 we do this business process." And the project manager says,
17 "Okay. You know, Jill, enter the code to show them how that
18 would be done." So you would enter the code and the client
19 would see how -- how that would work for their business
20 process --

21 Q. So is that different from configuration?

22 A. No, not really.

23 Q. So fit analysis is the same thing as configuration?

24 A. It's similar.

25 Q. In what way is it different?

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1 A. Fit analysis is a process of helping the client figure out
2 how the system functions and how it's going to fit their
3 needs with their business processes and --

4 Q. Feel free to think of an example like you did before because
5 that helped. So you can give me an example to differentiate
6 the two for me.

7 A. The client says they need to come up with a way to track
8 certain events that they enter in, so the project manager
9 will -- will have you enter in a code and show the client
10 that, you know, you have this option, you can pull this up,
11 or, you know, maybe you can -- there's this option that will
12 give you the same results, you know, whatever works best for
13 your business processes.

14 Q. And how do you know what codes you're entering? How do you
15 know what code you're entering? You kept saying the project
16 manager would say, "Enter the code."

17 A. When you're entering a code and you're just doing a
18 demonstration, --

19 Q. Uh-huh.

20 A. -- you just enter -- you can enter whatever code just to
21 kind of give an example. You would just enter like an
22 example code to show them this is what it can do, here's
23 this option, here's this option.

24 Q. So a code is not like a computer program?

25 A. No.

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1 there might be a couple different ways they can do it, so
2 you show them, you know, here's one way you can do it,
3 here's another way you can do it; whatever way is easiest
4 for you that you like.

5 Q. And they tell you what way they want to view the
6 information, right?

7 A. They decide what way they want to pull the information out
8 of the system.

9 Q. And then you configure the system according to that -- to
10 that preference?

11 A. Yes.

12 Q. You see that last sentence under scope and impact on Exhibit
13 Number 3, it talks about the implementation specialists' job
14 having a significant impact on Tyler's ability to collect
15 money from its clients. What does that mean to you? How
16 did your job impact Tyler's ability to collect its fees?

17 MS. BAGLEY: Form.

18 THE WITNESS: Well, if we don't configure the
19 system the way the client wants it, they're not going to be
20 happy and they'll -- you know, based on what the contracts
21 say, probably depends on whether or not they would get paid,
22 is my understanding.

23 BY MS. KHOSRAVI:

24 Q. As an implementation specialist, were you the face of Tyler
25 while you were -- while you were at the client site?

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1 MS. BAGLEY: Form.

2 THE WITNESS: We certainly were a representative.

3 Anytime you go on a client site, you represent your company.

4 BY MS. KHOSRAVI:

5 Q. When you were first interviewed for this position of
6 implementation specialist, do you recall whether or not this
7 position required you to have a degree of any sort, a
8 college degree of any sort; a bachelor's of science or a
9 bachelor's of art? Did anyone talk to you about that?

10 A. No.

11 Q. No one -- no one actually made that representation to you,
12 that you needed to have a degree for the position?

13 A. Nobody -- it was in the -- the job description. Nobody
14 mentioned that as a requirement to me, as an issue.

15 Q. So, again, to make sure I understand what your job duties
16 were as an implementation specialist, you engaged in
17 configuration, correct?

18 A. Yes.

19 Q. You engaged in fit analysis; is that right? We went over
20 that.

21 A. Yes.

22 Q. You engaged in training of the client as to how to use the
23 software?

24 A. Yes.

25 Q. And you also were present at the client site for

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1 troubleshooting during the Go-Live phase; is that right?

2 A. Yes.

3 MS. BAGLEY: Form.

4 BY MS. KHOSRAVI:

5 Q. Were you engaged in any other functions or processes that

6 I'm missing that I haven't discussed with you today?

7 A. The conversion.

8 Q. Conversion. Tell me what that is. I haven't talked about

9 that today.

10 A. That's when the data from the old system gets processed to

11 fit into the new system, and we don't actually do the

12 conversion, but we help review the data to make sure that

13 the information that's coming through is put in the right

14 spot, so to speak.

15 Q. Now, you said several times we don't do this or we do this.

16 I want to know what Jill Brown, as an implementation

17 specialist, did. So did you, Jill Brown, ever engage in

18 actually converting their old data to the new data? Did you

19 personally engage in conversion?

20 A. No, not as an implementation specialist.

21 Q. Did you ever, during your --

22 A. No.

23 Q. -- employment with Tyler, engage in conversion?

24 A. Not the actual process of converting.

25 Q. What process of converting were you engaged in?

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1 A. Just data review.

2 Q. To make sure that the correct information from the old
3 system made its way into the new system?

4 A. Correct.

5 Q. And that was something that you did as an implementation
6 specialist?

7 A. Yes.

8 Q. Okay. So I understand when you were at a client site, you
9 were engaged in training the employees as to how to use the
10 software and you also engaged in helping them when they were
11 doing the Go-Live phase. What I want to understand is what
12 you were engaged in when you were working out of your home
13 office and not traveling to the client site. You talked to
14 me about you still did some configuration while you were
15 home and you participate -- is that right?

16 A. Yes.

17 Q. And you participated in some training with the other
18 implementation specialist by viewing what they were doing at
19 the client site, correct? Reviewing how they were training
20 the clients on the software?

21 A. Yes.

22 Q. What else did you do while you were home? I want to know
23 what -- while you were working, you said, you know, four
24 hours in the morning -- two to four hours in the morning you
25 were engaged in the conference calls via Web-Exes. I want

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1 to know what else you were engaged in. What else were you
2 doing while you were working for Tyler at home, during your
3 business hours at home?

4 A. Those were the majority of the things; you know,
5 documentation, data conversion, reviews --

6 Q. Data conversion, reviews. Okay.

7 A. Web-Exes with the client, configuration.

8 Q. Okay. Now, other than the implementation specialist
9 position that you held with Tyler, at some point, you also
10 held the position of a project manager; is that right?

11 A. In conjunction with the implementation --

12 Q. So you were -- at some point during your employment with
13 Tyler, you were functioning as an implementation specialist,
14 and you also functioned as a project manager at the same
15 time?

16 A. Yes.

17 Q. Okay. How long were you performing that function? I'm
18 sorry. Let me back up. How long were you performing both
19 functions of implementation specialist and project manager?

20 A. It was only project manager for one client.

21 Q. Which client was that?

22 A. Kalamazoo.

23 Q. Kalamazoo. What does that mean? Is that the city?

24 A. It's county.

25 Q. It's a county.

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(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

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1 have a chance to experience that firsthand, that training
2 workshop.

3 Q. So did that mean that you couldn't do it because you didn't
4 see the training -- you didn't have the training?

5 A. I wasn't comfortable doing it not seeing the training.

6 Q. I see.

7 A. To see how other people handled it and what they went over
8 and . . .

9 Q. When you were an implementation specialist, Ms. Brown, how
10 much of your time would you say you were spending on
11 training your clients on the use of Odyssey? And let -- let
12 me make this easier. Let's say during one workweek, that's
13 40 hours, typically -- and I understand sometimes you
14 weren't traveling, you were just doing configuration work at
15 your home office. But in a given week, that's 40 hours, and
16 I want to know how much of those 40 hours you were spending
17 training your clients on-site --

18 MS. BAGLEY: Form.

19 BY MS. KHOSRAVI:

20 Q. -- on Odyssey.

21 A. If it was a training, if it was time for the training
22 portion of an implementation, actually doing the training of
23 the employees, it was 40 hours.

24 Q. So some weeks, because you were at the training phase, you
25 were spending all of the hours in that week training the

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1 employees?

2 A. You spent -- depending on what the project manager had for
3 you, had assigned you, and depending on what the schedule
4 was -- I mean, if -- for instance, I guess an example, I'm
5 thinking of one example, in Clark County, I spent, I think
6 it was 40 hours doing actual physical training, and then
7 there were additional hours after -- after that spent not
8 training the client.

9 Q. But doing what?

10 A. Working on preparing and training materials and . . .

11 Q. Okay. So let's take that week. What percentage of your
12 time was spent on training the employees during that week
13 because you were doing training and you were doing other
14 things yourself?

15 A. It's hard to say. I'd have to look at my time sheet. I
16 don't remember.

17 Q. But you said to me your time sheets won't accurately
18 describe the time that you spent working, correct?

19 A. Yes.

20 MS. BAGLEY: Form.

21 BY MS. KHOSRAVI:

22 Q. So if you were to estimate what percentage of your time you
23 were spending on training your clients during the time
24 period that you were an implementation specialist, what
25 would you estimate? I know you can't say with certainly how

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1 much of your time was spent. But if I said you spent 70
2 percent of your time training employees, would you agree or
3 disagree with that statement?

4 MS. BAGLEY: Form. It might be better project --
5 projectwise --

6 MS. KHOSRAVI: Projectwise.

7 MS. BAGLEY: -- versus trying to put it in one
8 week.

9 THE WITNESS: Yes.

10 BY MS. KHOSRAVI:

11 Q. So let's go back to your -- not Kalamazoo because you were
12 functioning as both a project manager and specialist --
13 implementation specialist. Name me one of the projects that
14 you worked on. You said you worked with Georgia for a
15 while, right? What project was that? Or pick one that you
16 remember. You may not remember Georgia very well.

17 A. Georgia was a Go-Live.

18 Q. Okay. So let's go back to a project that you actually
19 worked on training with the clients. Which one would that
20 have been?

21 A. Clark County, Las Vegas.

22 Q. Okay. When you started working on that project, on that
23 particular project, do you remember how long you spent?

24 Five months? Six months? Four months?

25 A. On the total project?